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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,714	03/23/2004	Marc Eric Vandament	04-0204	5955

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EXAMINER


GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/808,714	Applicant(s) VANDAMENT ET AL.	
	Examiner Hilary Gutman	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

On page 8, line 11, "85" should be inserted after "hook". On line 12, "85" should be deleted. On line 13, "95" should be inserted after "hook" and "strap 95" should be "strap." On line 15, "83 and 93" should be inserted after "hooks". On line 16, "83 and 93" should be "80 and 90". On line 18, "85" should be inserted after "hook" and "strap 85" should be "strap". On line 19, "95" should be inserted after "hook". On line 20, "95" should be deleted.

On page 9, line 15, "26" should be inserted after "strap" and "cuff 26" should be "cuff". On line 16, "36" should be inserted after "strap" and "cuff 36" should be "cuff". On line 19, "first connector" should be "first connector 21". On line 19, "cuff 21" should be "cuff" and "second connector" should be "second connector 22". On line 20, "cuff 22" should be "cuff." On line 22, "31" should be inserted after "first connector". On line 22, "cuff 31" should be "cuff". On line 22, "32" should be inserted after "second connector". On line 23, "cuff 32" should be "cuff." On line 23, "23" should be inserted after "loop". On line 24, "23" should be deleted. On line 25, "33" should be inserted after "loop". On line 26, "33" should be deleted. On line 27, "23" should be inserted after "loop". On line 28, "23" should be deleted and "24" should be inserted after "third connector". On line 29, "24" and "25" should be deleted and

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“fourth connector” should be “fourth connector 25”. On line 30, “33” should be inserted after “loop” and “cuff 33” should be “cuff”. On line 31, “34” should be inserted after “third connector” and “cuff 34” should be “cuff”. On line 32, “35” should be inserted after “fourth connector” and “cuff 35” should be “cuff.” On line 32, “23” should be inserted after “loop”.

On page 10, line 1, “23” should be deleted. On line 2, “33” should be deleted after “second handlebar grip cuff” and inserted after “loop”. On line 24, “26” should be inserted after “strap”. On line 25, “26” should be deleted.

On page 11, line 1, “36” should be inserted after “strap”. On line 2, “36” should be deleted. On line 11, “26” should be deleted after “cuff” and inserted after “strap”. On line 12, “third connector” should be “third connector 24” and “cuff 24” should be “cuff”. On line 12, “fourth connector” should be “fourth connector 25”. On line 13, “25” should be deleted. Also on line 14, “36” should be inserted after “reinforcing strap” and on line 15 deleted altogether. On line 15, “34” should be inserted after “connector” and deleted after “cuff”. On line 16, “35” should be inserted after “connector” and deleted after “cuff”. On line 18, “23” should be inserted after “loop”. On line 19, “23” should be deleted and “33” should be inserted after “loop”. On line 20, “33” should be deleted.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitations "said first tie down strap connection hook" in lines 3-4 and "said second tie down strap connection hook" in lines 5-6. There is insufficient antecedent basis for these limitations in the claim. Perhaps this claim was intended to depend from claim 2.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is are rejected under 35 U.S.C. 102(b) as being anticipated by Kosma.

Kosma (5,529,448) discloses an apparatus (Figure 2) for securing a two-wheeled vehicle in an upright position (Figure 1) during transport comprising: a first handlebar grip cuff 19, a second handlebar grip cuff 21, a first handlebar grip cuff connection means 7, a second handlebar grip cuff connection means 7, a handlebar grip cuff connection strap 4, a length adjustment mechanism 23, 24, 25, a first tie down strap 8, and a second tie down strap 8, wherein said handlebar grip cuff connection strap 4 provides a first end, said handlebar grip cuff

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connection strap 4 provides a second end, said first handlebar grip cuff 19 is connected to said first tie down strap 8 by said first handlebar grip cuff connection means 7, said second handlebar grip cuff 21 is connected to said second tie down strap 8 by said second handlebar grip cuff connection means 7, said first end is connected to said first handlebar grip cuff 19, said second end is connected to said length adjustment mechanism 23, 24, 25, and said length adjustment mechanism is connected to said second handlebar grip cuff 21.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosma as applied to claim 1 above, and further in view of Trauthwein.

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Kosma lacks corresponding hooks and connection rings to secure the straps to the connection means.

Trauthwein (6,655,885) teaches a first tie down strap S providing a first tie down strap connection hook H, a second tie down strap S providing a second tie down strap connection hook H, a first handlebar grip connection means comprising a first connection ring 28 connected to both said first tie down strap connection hook and a first handlebar grip 34, and a second handlebar grip connection means comprising a second connection ring 28 connected to both said second tie down strap connection hook and a second handlebar grip 34.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided hooks and connections rings as taught by Trauthwein in place of the holes and loops of Kosma in order to provide easier and quicker connection and disconnect of the straps to hold the vehicle.

10. Claim 3, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosma, as modified, and as applied to claim 2 above.

With regard to claim 3, Kosma, as modified, now discloses the first handlebar grip cuff connection means comprising a connection of said first tie down strap connection hook H to said first handlebar grip cuff 19, and further now discloses said second handlebar grip cuff connection means comprising a connection of said second tie down strap connection hook H to said second handlebar grip cuff 21.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosma as applied to claim 1 above, and further in view of Stubbs.

Kosma lacks the apparatus additionally comprising an anti-scratch padding wherein the padding is interposed between the handlebar grip cuff connection strap and the body of the vehicle upon which the apparatus is installed.

Stubbs (5,326,202) teaches an anti-scratching padding 31 for protecting the vehicle against chaffing damage.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a padding as taught by Stubbs for the apparatus of Kosma in order to prevent scratching of the body of the vehicle.

Allowable Subject Matter

12. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231


or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label

"PROPOSED" or "DRAFT").


Hilary Gutman
February 24, 2005